

JC20 Rec'd PCT/PTO 07 MAY 2002

PCT \$

Sim & McBurney

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Please Quote

Our ref. 1038-1212 MIS:sd

Your ref.

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E-mail: mistewart@sim-mcburney.com

May 6, 2002

VIA COURIER

The Commissioner of Patents
and Trademarks
Washington, D.C. 20231
U.S.A.

Dear Sirs:

RE: United States Patent Application No. 10/030,313
Applicant: Sheena M. Loosmore et al.
Title: MULTI-COMPONENT VACCINE TO PROTECT AGAINST
DISEASE CAUSED BY HAEMOPHILUS
INFLUENZAE...CATARRHALIS

In respect of your Notification of Missing Requirements under 35 U.S.C. 371, submitted herewith is a Declaration and Power of Attorney document duly executed by the inventors except for Ken Sasaki. The applicants will be submitting a Petition under 37 C.F.R. 1.47(a) with respect to Ken Sasaki.

Enclosed is our cheque in respect of the Surcharge Fee.

05/10/2002 10030313 00000068 10030313

02 TC:154
02 PC:656

130.00 DP
280.00 CP

Yours truly,


Michael I. Stewart
Registration No. 24,973

Enclosure(s)

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MATTHEW D. POWELL, P. ENG.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
www.uspto.gov

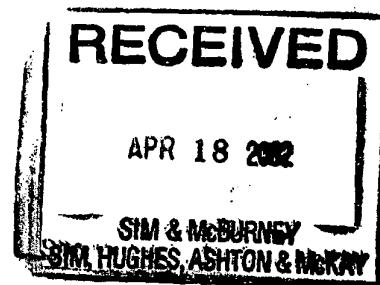
| | | |
|---|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/030,313 | Sheena M Loosmore | 1038-1212 MIS:jb |
| INTERNATIONAL APPLICATION NO. | | |
| PCT/CA00/00811 | | |
| I.A. FILING DATE | PRIORITY DATE | |
| 07/11/2000 | 07/15/1999 | |
| CONFIRMATION NO. 2221 | | |
| 371 FORMALITIES LETTER | | |
|  | | |
| *OC000000007754914* | | |

Date Mailed: 04/01/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- **\$130** Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

- Additional claim fees of **\$280** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$410** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$280**
 - **\$280** for multiple dependant claims surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M. WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/030,313 | PCT/CA00/00811 | 1038-1212 MIS:jb |

FORM PCT/DO/EO/905 (371 Formalities Notice)



Rec'd PCT/PTO 07 MAY 2002

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application 10/030,313

Filing Date N/A

First Named SHEENA M. LOOSMORE

Group Art Unit N/A

Examiner Name N/A

Total Number of Pages in This Submission

8

Attorney Docket Number 1038-1212 MIS

ENCLOSURES (check all that apply)

| | | |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input checked="" type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Response | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application | <input type="checkbox"/> Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name MICHAEL I. STEWART
REGISTRATION NO. 24,973

Signature

Date MAY 6, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date:

Typed or printed name

Signature

Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

\$410.00

Complete if Known

| | |
|----------------------|--------------------|
| Application Number | 10/030,313 |
| Filing Date | N/A |
| First Named Inventor | SHEENA M. LOOSMORE |
| Examiner Name | N/A |
| Group Art Unit | N/A |
| Attorney Docket No. | 1038-1212 MIS |

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number Deposit Account Name

Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17
 Applicant claims small entity status. See 37 CFR § 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|-------------------------------|----------------------|
| 101 | 740 | 201 370 Utility filing fee | <input type="text"/> |
| 106 | 330 | 206 165 Design filing fee | <input type="text"/> |
| 107 | 510 | 207 255 Plant filing fee | <input type="text"/> |
| 108 | 740 | 208 370 Reissue filing fee | <input type="text"/> |
| 114 | 160 | 214 80 Provisional filing fee | <input type="text"/> |
| SUBTOTAL (1) | | | <input type="text"/> |

2. EXTRA CLAIM FEES

| Extra Claims | Fee from below | Fee Paid |
|--------------------|----------------------------------|-----------------------------|
| Total Claims | -20** = <input type="text"/> 0 | <input type="text"/> 0.00 |
| Independent Claims | 9 - 3** = <input type="text"/> 6 | <input type="text"/> 0.00 |
| Multiple Dependent | | <input type="text"/> 280.00 |

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description |
|---------------|---------------|--|
| 103 | 18 | 203 9 Claims in excess of 20 |
| 102 | 84 | 202 42 Independent claims in excess of 3 |
| 104 | 280 | 204 140 Multiple dependent claim, if not paid |
| 109 | 84 | 209 42 ** Reissue independent claims over original patent |
| 110 | 18 | 210 9 ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) | | <input type="text"/> \$280.00 |

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|---|-----------------------------|
| 105 | 130 | 205 65 Surcharge - late filing fee or oath | <input type="text"/> 130.00 |
| 127 | 50 | 227 25 Surcharge - late provisional filing fee or cover sheet | <input type="text"/> |
| 139 | 130 | 139 130 Non - English specification | <input type="text"/> |
| 147 | 2,520 | 147 2,520 For filing a request for ex parte reexamination | <input type="text"/> |
| 112 | 920* | 112 920* Requesting publication of SIR prior to Examiner action | <input type="text"/> |
| 113 | 1,840* | 113 1,840* Requesting publication of SIR after Examiner action | <input type="text"/> |
| 115 | 110 | 215 55 Extension for reply within first month | <input type="text"/> |
| 116 | 400 | 216 200 Extension for reply within second month | <input type="text"/> |
| 117 | 920 | 217 460 Extension for reply within third month | <input type="text"/> |
| 118 | 1,440 | 218 720 Extension for reply within fourth month | <input type="text"/> |
| 128 | 1,960 | 228 980 Extension for reply within fifth month | <input type="text"/> |
| 119 | 320 | 219 160 Notice of Appeal | <input type="text"/> |
| 120 | 320 | 220 160 Filing a brief in support of an appeal | <input type="text"/> |
| 121 | 280 | 221 140 Request for oral hearing | <input type="text"/> |
| 138 | 1,510 | 138 1,510 Petition to institute a public use proceeding | <input type="text"/> |
| 140 | 110 | 240 55 Petition to revive - unavoidable | <input type="text"/> |
| 141 | 1,280 | 241 640 Petition to revive - unintentional | <input type="text"/> |
| 142 | 1,280 | 242 640 Utility issue fee (or reissue) | <input type="text"/> |
| 143 | 460 | 243 230 Design issue fee | <input type="text"/> |
| 144 | 620 | 244 310 Plant issue fee | <input type="text"/> |
| 122 | 130 | 122 130 Petitions to the Commissioner | <input type="text"/> |
| 123 | 50 | 123 50 Processing fee under 37 CFR § 1.17(q) | <input type="text"/> |
| 126 | 180 | 126 180 Submission of Information Disclosure Statement | <input type="text"/> |
| 581 | 40 | 581 40 Recording each patent assignment per property (times number of properties) | <input type="text"/> |
| 146 | 740 | 246 370 Filing a submission after final rejection (37 CFR § 1.129(a)) | <input type="text"/> |
| 149 | 740 | 249 370 For each additional invention to be examined (37 CFR § 1.129(b)) | <input type="text"/> |
| 179 | 740 | 279 370 Request for Continued Examination (RCE) | <input type="text"/> |
| 169 | 900 | 169 900 Request for expedited examination of a design application | <input type="text"/> |
| Other fee (specify) | | | <input type="text"/> |

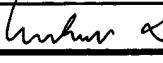
*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

 \$130.00

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|---|-----------------------------------|--------|-------------|----------------|
| Name (Print/Type) | MICHAEL I. STEWART | Registration No. (Attorney/Agent) | 24,973 | Telephone | (416) 595-1155 |
| Signature |  | | Date | MAY 6, 2002 | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Docket No.
1038-1212 MIS:jb

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

MULTI-COMPONENT VACCINE TO PROTECT AGAINST DISEASE CAUSED BY HAEMOPHILUS INFLUENZAE AND MORAXELLA CATARRHALIS

the specification of which
(check one)

is attached hereto.

was filed on July 11, 2000 as United States Application No. or PCT International

Application Number PCT/CA00/00811

and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

(Number)

(Country)

(Day/Month/Year Filed)

(Number)

(Country)

(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

| | |
|--------------------------|---------------|
| (Application Serial No.) | (Filing Date) |
| (Application Serial No.) | (Filing Date) |
| (Application Serial No.) | (Filing Date) |

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

| | | |
|--|--------------------------------|---|
| 09/353,617 (Application Serial No.) | July 15, 1999 (Filing Date) | Pending (Status) (patented, pending, abandoned) |
| PCT/CA00/00811 (Application Serial No.) | July 11, 2000 (Filing Date) | (Status) (patented, pending, abandoned) |
| (Application Serial No.) | (Filing Date) | (Status) (patented, pending, abandoned) |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Michael I. Stewart (Reg. No. 24,973)

Send Correspondence to: Sim & McBurney
6th Floor, 330 University Avenue
Toronto, Ontario
Canada, M5G 1R7.

Direct Telephone Calls to: (name and telephone number)
(416) 595-1155

| | |
|---|------------------|
| Full name of sole or first inventor <u>Sheena M. Loosmore</u> | 07/02/02 Date |
| Sole or first inventor's signature <u>Sheena M. Loosmore</u> | |
| Residence <u>Aurora, Ontario, Canada</u> | |
| Citizenship <u>Canadian</u> | |
| Post Office Address <u>70 Crawford Rose Drive, Aurora, Ontario, Canada, L4G 4R4.</u> | |
| | |

| | |
|--|------------------------------|
| Full name of second inventor, if any <u>Yan-Ping Yang</u> | |
| Second inventor's signature <u>Yan-Ping Yang</u> | Date <u>Feb. 12. 2002</u> |
| Residence <u>Toronto, Ontario, Canada</u> | |
| Citizenship <u>Canadian</u> | |
| Post Office Address <u>Apt. 1803, 35 Empress Avenue, Toronto, Ontario, Canada, M2N 6T3.</u> | |
| | |

Full name of third inventor, if any

Michel H. Klein

Third inventor's signature

Feb 19, 2002

Date

Residence

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Citizenship

Canadian

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54 Strathgowan Avenue, Toronto, Ontario, Canada, M4N 1B9.

Full name of fourth inventor, if any

Ken Sasaki

Fourth inventor's signature

Date

Residence

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Citizenship

Japaese

Post Office Address

Apt. 512, 1131 Steeles Avenue West, Toronto, Ontario, Canada, M2R 3W8.

Full name of fifth inventor, if any

Fifth inventor's signature

Date

Residence

Citizenship

Post Office Address

Full name of sixth inventor, if any

Sixth inventor's signature

Date

Residence

Citizenship

Post Office Address